

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

WESTERN DIVISION

FRANCIS X. DELUCA,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS; KIM WESTBROOK STRACH, in her official capacity as Executive Director of the State Board; and A. GRANT WHITNEY, RHONDA K. AMOROSO, JOSHUA D. MALCOLM, JAMES BAKER, and MAJA KRICKER, in their official capacities as members of the State Board of Elections,

Defendants,

and

LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, *et al.*,

and

NORTH CAROLINA STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,

Defendant-Intervenor.

Declaration of  
Brian Neesby

Now COMES Brian D. Neesby, who under penalty of perjury states as follows:

1. I am over 21 years of age, legally competent to give this declaration, and make the statements contained herein based upon the facts presently known to me.

2. I serve as a Business Systems Analyst at the North Carolina State Board of Elections (“SBE”), and have served in that capacity since October 2014.

3. I have access to business records relating to voter registration that are stored within the Statewide Election Information Management System (“SEIMS”), a suite of databases and applications maintained by and in the custody of the State Board.

4. I am familiar with the SEIMS system and the manner in which the business records of the State Board were generated, which were created in the regular course of business at or near the time of the events recorded and that are based upon the personal knowledge of the election official making the record.

5. In the course of performing my day-to-day duties as Business Systems Analyst, I regularly review voter registration records maintained in the SEIMS system and query the data to determine the origin of registration activity, to analyze demographic and geographic information of groups of voters, to review the voting history of an individual or subset of the voting population, and to determine the verification status of an individual registrant.

6. I queried the current mail verification status of all registrants that registered using the same-day registration process during the November 2016 General Election. I have attached a chart that provides these registrants mail verification status as of 12/3/2016 (Exhibit 1).

7. I also queried the mail verification status of all registrants that were eligible to vote on Election Day and who did not use the same-day registration process to register for this election. 1,003,470 registered and eligible voters who did not use the same-day registration process to register for this election, or change their address at an early voting site, were in an “un-verified” status on Election Day. I have attached a chart that provides these registrants mail verification status as of 11/08/2016 (Exhibit 2).

8. I have queried the number of registration records in SEIMS that were created using the same-day registration process; that number is 399,505,

9. I have queried the number of registration records in SEIMS where an in-county address change was processed during an early voting period; that number is 614,305.

10. SEIMS records indicate that SEIMS will wait 15 days after a verification mailing is sent out before a registration record's verification status is changed to "verified." If a notice is returned undeliverable after the 15 days, the registrant's verification status will be changed to one of several "unverified" statuses.

11. These records also demonstrate that there is substantial variability in how long mail takes to be returned as undeliverable. Whereas the majority of the first verification cards are returned within 15 days, 47% are returned after 15 days and one-fifth (20%) are not returned until after the 30<sup>th</sup> day. For all registration records within SEIMS where a verification card was mailed pursuant to the new voter verification procedure, Exhibit 3 charts the number of days between the date the first verification card was mailed and the date the corresponding undeliverable notice was processed.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of December, 2016.

Brian Neesby, Business Systems Analyst  
North Carolina State Board of Elections

**The Current Mail Verification Status of  
SDR Registrants in the 11/8/2016 Election**

| <b>Verification Status</b>                                  | <b>Count</b>  |
|---|---------------|
| <b>Verified</b>   | <b>86351</b>  |
| NEW VOTER: VERIFIED   | 86351         |
| <b>At least one undeliverable notice</b>                    | <b>2117</b>   |
| NEW VOTER: 2ND VERIFICATION (PRIOR TO MAILING)              | 434           |
| NEW VOTER: 2ND VERIFICATION PENDING                         | 1063          |
| NEW VOTER: ADDR CONFIRMATION TO FWD ADDR (PRIOR TO MAILING) | 111           |
| NEW VOTER: FWD ADDRESS CHANGE (CONFIRMATION PENDING)        | 509           |
| <b>Denied</b>   | <b>290</b>    |
| NEW VOTER: DENIED*  | 208           |
| VOTER CHG: INACTIVE   | 82            |
| <b>Pending</b>  | <b>8138</b>   |
| NEW VOTER: 1ST VERIFICATION PENDING                         | 7893          |
| NEW VOTER: 1ST VERIFICATION(PRIOR TO MAILING)               | 245           |
| <b>Interrupted / New Verification Process Started</b>       | <b>3635</b>   |
| ADMIN MAILING: 1ST VERIFICATION PENDING                     | 4             |
| VOTER CHG: (PRIOR TO 1ST MAILING)                           | 209           |
| VOTER CHG: 1ST VERIFICATION PENDING                         | 3408          |
| VOTER CHG: VERIFIED   | 14            |
| <b>Grand Total</b>  | <b>100531</b> |

\* Voter History has not been finalized for 34 counties as of this date. If the registrant records in this category are associated with voter history, the mail verification status will be amended accordingly and will no longer be in a denied status.

**The Current Mail Verification Status of Eligible Registrants Who Did Not Use SDR  
to Register or Change their address for the 2016 General Election**

| Verification Status   | Count          |
|---|----------------|
| <b>In-Process</b>   | <b>83210</b>   |
| ADMIN MAILING: 1ST VERIFICATION PENDING                     | 3071           |
| NCOA: (PRIOR TO 1ST MAILING)                                | 1260           |
| NEW VOTER: 1ST VERIFICATION PENDING                         | 38215          |
| NEW VOTER: 1ST VERIFICATION(PRIOR TO MAILING)               | 974            |
| VOTER CHG: (PRIOR TO 1ST MAILING)                           | 2705           |
| VOTER CHG: 1ST VERIFICATION PENDING                         | 30897          |
| NO VERIFICATION STATUS                                      | 6088           |
| <b>Verified Status</b>                                      | <b>5030667</b> |
| NEW VOTER: VERIFIED   | 1389660        |
| VOTER CHG: VERIFIED   | 3641007        |
| <b>Unverified Status</b>                                    | <b>1003470</b> |
| NEW VOTER: 2ND VERIFICATION (PRIOR TO MAILING)              | 481            |
| NEW VOTER: 2ND VERIFICATION PENDING                         | 1779           |
| NEW VOTER: ADDR CONFIRMATION TO FWD ADDR (PRIOR TO MAILING) | 217            |
| NEW VOTER: DENIED   | 122            |
| NEW VOTER: FWD ADDRESS CHANGE (CONFIRMATION PENDING)        | 452            |
| VOTER CHG: ADDR CONFIRMATION TO FWD ADDR (PRIOR TO MAILING) | 4328           |
| VOTER CHG: ADDR CONFIRMATION TO OLD ADDR (PRIOR TO MAILING) | 11814          |
| VOTER CHG: FWD ADDRESS CONFIRMATION PENDING                 | 1671           |
| VOTER CHG: INACTIVE   | 935781         |
| VOTER CHG: OLD ADDRESS CONFIRMATION PENDING                 | 3294           |
| VOTER CHG: INACTIVE PENDING                                 | 43531          |
| <b>Grand Total</b>  | <b>6117347</b> |

